

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) PATRICIA THOMPSON, as)
Personal Representative of)
the Estate of MARCONIA LYNN)
KESSEE,)

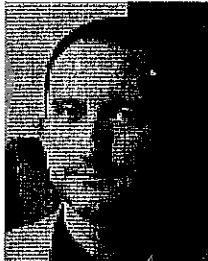
Plaintiff,)

-vs-

No. CIV-19-113-SLP

(1) NORMAN REGIONAL)
HOSPITAL AUTHORITY d/b/a)
NORMAN REGIONAL HOSPITAL, a)
public trust, et al.,)

Defendants.)



* * * * *

REMOTE VIDEOCONFERENCE DEPOSITION OF KYLE CANAAN

TAKEN ON BEHALF OF THE PLAINTIFF

IN OKLAHOMA CITY, OKLAHOMA

ON OCTOBER 20, 2020

COMMENCING AT 10:07 A.M.

* * * * *

REPORTED BY: BETH A. MCGINLEY, CSR, RPR

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EXHIBIT

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1 needs a doctor. But when I see that this man has been
2 treated by a doctor and the doctor says that he's there
3 for a headache and drug-seeking behavior and he's clear
4 to go, I'm going to trust the doctor. And when I see
5 all this, I think, okay, well, this is a man acting up.

6 Q And there has been times in your careers where
7 the doctors have gotten it wrong; true?

8 MR. WHITWORTH: Objection.

9 A I don't know.

10 MS. GOOCH: Same objection.

11 Q (By Mr. Hammons) You've certainly had the jail
12 turn away people that you've brought to jail, and say
13 they're not fit, even though you have a fit slip; true?

14 A Yes.

15 Q So, in that case, at least according to
16 somebody, the doctor got it wrong; true?

17 A That's one person's idea versus another
18 person's idea.

19 Q Right. So what is -- what would your training
20 tell you -- well, let me ask you this: What was
21 stopping you from doing -- checking Marconia's eyes?

22 A My faith in the -- the hospital.

23 Q So once you have told -- been told by a
24 security guard and seen some paperwork, right then and
25 there, you can disregard any further training that you

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1 poor taste, would that be something you'd -- is that
2 what it is, poor taste --

3 MS. GOOCH: Object to --

4 Q (By Mr. Hammons) -- to overrule Officer
5 Brown's...

6 A I mean --

7 MS. GOOCH: Object to the form.

8 THE WITNESS: Okay.

9 A I -- I couldn't --

10 MS. GOOCH: Well, I mean, yeah, go ahead, you
11 can answer.

12 THE WITNESS: Yeah.

13 MS. GOOCH: I just was...

14 A I couldn't tell you. If -- if I said that
15 years ago, then maybe, at that point, that's how I feel,
16 but I feel about it differently now.

17 Q (By Mr. Hammons) And you -- you have some talk
18 in here -- I'm trying to move this along as best I can.
19 You have some discussion in here about circum- -- the --
20 the captain had asked you about circumstances where you
21 have been to the jail and they've made you go get a
22 diff- -- get the pay- -- the prisoner, the -- the
23 arrestee rechecked by medical staff. That's happened to
24 you before?

25 A Yes.

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1 Q And that's when you've had a valid fit slip
2 and they -- the jail said, "We're not taking him"?

3 A That's happened.

4 Q Okay. And has it happened more than once?

5 A It's happened a couple times.

6 Q Okay. Have you seen any of the jail footage?

7 A No.

8 Q I take it -- I'll just ask you: Do you -- do
9 you blame the ER doctors for their diagnosis and your
10 misunderstanding that?

11 MR. WHITWORTH: Object to the form.

12 A I think it was a -- you know, it -- if it were
13 in a better world, I'd be able to talk to the doctors
14 and ask why this is, why this is, and I'd be able to
15 come up with a better answer, but I don't know who I can
16 throw the blame onto for this instance. I don't know
17 who wrote up that slip saying that he was free to go.

18 Q (By Mr. Hammons) Well, Justin Holbrook signed
19 it and handed it to you; true?

20 A The fit slip?

21 Q Yeah.

22 A Yes.

23 Q Okay. So wouldn't he be the one that said
24 he's fit to incarcerate?

25 A Yes.

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1 I go next?

2 EXAMINATION

3 BY MS. DARK:

4 Q Mr. Canaan, you are the one who took the fit
5 slip to the jail, correct?

6 A I don't recall if I was -- that part, I don't
7 recall, if I had taken it there or not.

8 Q Do you recall going to the jail, at all, that
9 night?

10 A No.

11 Q Do you recall any conversations you had with
12 any jail staff that night?

13 A No.

14 MS. DARK: I'll pass the witness.

15 EXAMINATION

16 BY MR. KNIGHTON:

17 Q Officer, are you familiar with Section 643 of
18 Title 21 of the Oklahoma Statutes?

19 A No.

20 Q That statute states, in pertinent part, "To
21 use or to attempt to offer to use force or violence upon
22 or toward the person of another is not unlawful in the
23 following cases."

24 Subsection 3 says, "When committed to prevent
25 any trespass or other unlawful interference with real or